

CURTIS, OETTING, HEINZ, GARRETT & SOULE, P. C.
ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200
ST. LOUIS, MISSOURI 63105
(314) 725-8788

FACSIMILE (314) 725-8789
www.cohgs.com

CARL J. LUMLEY

EMAIL ADDRESS
clumley@cohgs.com

April 22, 2002

Secretary of the Commission
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

Re: Case No. AX-2002-157

Dear Secretary of the Commission:

Please accept this letter as our Firm's comments on the proposed changes to Rule 2.075 on Interventions.

First, regarding subsection 7, we suggest that the wording needs to be changed, as a tariff would not usually set forth facts which could be admitted or denied in a responsive pleading. Perhaps the intended reference was to a pleading regarding a tariff, in which case substituting the word "pleading" for "tariff" would eliminate the confusion. In cases that do not involve any pleadings (i.e. perhaps a tariff suspended by the commission without a motion), the intervention rules would already require a statement of support or opposition, and a responsive pleading would not be appropriate.

Second, regarding the estimate of private entity cost, the requirement of new pleadings will clearly involve aggregate costs in excess of \$500, whether in the form of attorney's fees or internal personnel costs.

Thank you for considering our comments.

Very truly yours,


Carl J. Lumley

cc. Office of Public Counsel
General Counsel